Docket US10010130
Ref: US010386

REMARKS

Claims 1-3 and 5-18 are pending and stand rejected.

Claim 16 has been amended.

Claims 1-3 and 5-18 stand rejected under 35 USC 102(e) as being anticipated by Evand (USP No. 6,347,329). It is the examiner's position that with regard to independent claims 1, 8, 9, 17, and 18, Evans discloses each of the elements recited in the claims.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claim. A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference.

With regard to claim 1, which is an example of the independent claims, this claim recites:

> 1. A method of generating a medical report, comprising:
>
> displaying a plurality of pre-chosen findings comprising a plurality of medical conditions that are associated with a particular portion or sub-portion or a living body, and a separate medical report **simultaneously on an electronic display**, the medical report comprising a summary section;
>
> selecting a pre-chosen finding based on a diagnosis of the particular portion or sub-portion of the body as a user selected finding; and
>
> automatically copying electronically said user-selected finding from the displayed pre-chosen findings into the summary section of the medical report upon an indication by a user that it is desired that said user-selected finding be added to the summary section of the medical report.

Evans, on the other hand, discloses a medical reporting system that creates and maintains all patient data electronically. The Evans' system uses a TAB oriented graphic user interface, e.g., Figure 5, to allow a user to view and enter data. The user may select one of the TABs to view a second display, independent of the other displays, to enter data thereon (see col. 6, lines 55-59, which state, in part, "[i]n a similar manner, to activate the patient data capture 140, the clinical data capture 142 or the encounter data capture 146,

Amendment
Serial No. 09/874,507

one selects the patient data tab 151, the clinical data tab, 142, or the encounter data tab 153, respectively."). Accordingly, the Evans' system fails to disclose, "displaying a plurality of pre-chosen findings ..., and a separate medical report simultaneously on an electronic display," as is described in the claims.

The non-concurrent or simultaneous display of the data screens is further highlighted by Evans, as Evans states, in col. 6, lines 60-col. 7, lines 10, in part, "[t]o enter patient data, the ... provider clicks on the scroll down button 156 to select a form from a list of available forms ... For example, FIG. 6 shows a new form window 161 displaying the pediatric problem form 162 ... When done with patient data entry, the provider exits the form using the File Menu 168 and the point of care system 100 returns the provider to the patient chart window 150 (FIG 5.)." (emphasis added).

Evans cannot be said to anticipate the present invention, because Evans does not disclose each and every element recited in claim 1.

Having shown that Evans fails to recite all the elements declared in claim 1, applicant submits that the reason for the examiner's rejection has been overcome and the rejection can no longer be sustained. Applicants respectfully requests reconsideration, and withdrawal of the rejection.

With regard to claims 8, 9, 16, 17 and 18, the examiner rejected these claims citing the same reference used in rejecting claim 1. Thus, the applicant's remarks made in response to the examiner's rejection of claim 1 are also applicable in response to the examiner's rejection of claims 8, 9, 16, 17 and 18. In view of the claim language regarding the simultaneously display, which is similar to the language in claim 1, and for the remarks made with regard to the rejection of claim 1, which are repeated herein in response to the rejection of the above referred to claims, applicant submits that the examiner's reason for rejecting these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests reconsideration, and withdrawal of the rejection.

With regard to claims 2, 3, 5-7, and 10-15, these claims ultimately depend from claims 1, and 9, respectively, which have been shown to include subject matter not

10

US010386

Amendment
Serial No. 09/874,507

recited in the prior reference. Accordingly, these claims are also include the subject matter contained in the base from which they depend and are allowable by virtue of their dependency from an allowable base claim.
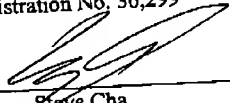
For all the foregoing reasons, applicant respectfully requests reconsideration and submits that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Should any unresolved issues remain that the examiner believes may be resolved via a telephone call, the examiner is invited to call applicant's attorney at the telephone number below.

No fees are believed necessary for the filing of this Amendment and Response.

Respectfully submitted,

John Vodopia
Registration No. 36,299

Date: September 7, 2004

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
John Vodopia, Registration No. 36,299
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615